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SUBJECT: SUDAN: TALKING POINTS FOR JUNE 5 BRIEFING BY ICC
PROSECUTOR MORENO-OCAMPO

¶1. USUN may draw from the following talking points and questions for the June 5 Security Council Briefing by the International Criminal Court (ICC) Chief Prosecutor Luis Moreno-Ocampo.

-- We would like to thank Chief Prosecutor Moreno-Ocampo for his informative briefing today related to Security Council resolution 1593 (2005). One point that is abundantly clear from this briefing, and previous ones, is that the Government of Sudan (GOS) has not fulfilled its obligation to cooperate with the Court under resolution 1593, which is a Chapter VII binding resolution, and the importance of which was reiterated by the Council in our Presidential Statement of June 16, 2008.

-- The United States, while not a member of the ICC, supports the need to hold accountable those responsible for atrocities in Darfur.

-- As the ICC report also notes, in response to the April 2007 arrest warrants issued against Ahmad Harun and Ali Kushayb, the Government of Sudan not only allowed Harun to continue to manage humanitarian matters, but on May 7, 2009, promoted him to the critical position of Governor of South Kordofan.

-- Furthermore, in the ICC Report Prosecutor Moreno-Ocampo references remarks made by the Minister of State for Foreign Affairs that Sudan "has managed to ignore all UNSC resolutions with little repercussions as 'they amounted to nothing but ink on paper.'"

-- On March 4, the Government of Sudan took deliberate steps that have worsened the humanitarian situation in Darfur by expelling thirteen international humanitarian aid groups and closing three domestic aid organizations endangering the access of millions to adequate food, water, and health care. The United States is working closely with the UN and international NGOs to address the humanitarian shortfalls created by this decision. Special Envoy Gration continues to press the Government of Sudan to fully restore services and assistance to vulnerable populations in Darfur. We have made it clear to the Government of Sudan that anything short of meeting the full humanitarian needs of the population is unacceptable.

-- We call on the Government of Sudan to quickly and fully implement its obligations.

-- The United States notes that one leader of a Sudanese rebel group being investigated by the Pre-Trial Chamber of the ICC has appeared before the Court. We understand that five rebel groups - the Sudan Liberation Army (SLA)/Abdel Wahid; SLA/Abdul Shafie, SLA/Unity, United Resistance Front, and Justice and Equality Movement - have affirmed their intention to cooperate with the ICC even if individuals in their ranks were sought by the Court. We urge these groups to follow through with this commitment, and we encourage other indictees to follow their lead.

-- The United States urges all parties to seriously engage in peace talks led by the AU/UN Joint Chief Mediator for Darfur, Djibril Bassol. In addition to the need for all parties to the Darfur conflict to commit to a viable peace process and to observe a true ceasefire, parties must recognize that actions in Darfur will affect the stability of Sudan as a whole.

-- We unequivocally support the pursuit of justice in bringing those who have committed atrocities in Darfur to account. We once again call upon the Government of Sudan to fully implement resolution 1593. (If Article 16 is raised: The United States does not support an Article 16 deferral.)

-- Does the Prosecutor have any further indication of rebel intentions in regard to appearing before the ICC?

-- We would be interested to know when the Pre-Trial Chamber plans to make public its decision with regard to the remaining Applications that have been filed by the Prosecutor.
CLINTON